

No. 9(1)81-6Lb.14986—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s The Sonepat Cooperative Sugar Mills Limited, Sonepat.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 185 of 1979

between

SHRI SATYA VEER SINGH, WORKMAN AND THE MANAGEMENT OF M/S THE
SONEPAT COOPERATIVE SUGAR MILLS LIMITED, SONEPAT

Present. —

Shri Mathu Sudan, for the workman.

Shri Vishnu Dutt, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor, *vide* his order No. ID/SPT/41491, dated 21st September, 1979 under section 10 (i) (c) of the Industrial Disputes Act for adjudication of the dispute existing between Shri Satya Veer Singh, workman and the management of M/s The Sonepat Cooperative Sugar Mills, Sonepat. The term of the reference was —

“Whether the termination of the services of Shri Satya Veer was justified and in order ? If not, to what relief is he entitled ?”

On the receipt of the order of reference notices as usual were sent to the parties. The parties appeared, filed their respective pleadings and the only issue ‘As per the term of reference’ was framed on the basis of their pleas. The management examined Shri Chaman Lal as their only witness and closed their case. The workman did not adduce any evidence and his authorised representative made a statement on 27th May, 1980 which is given as under :—

“In view of the clear cut admission from the management to the effect that they have not paid retrenchment compensation as required under section 25 (F) to Shri Satya Veer Singh. I do not want to produce any further evidence in rebuttal.”

I heard the learned representatives of the parties and decide issue as under.

The management witness has deposed that Shri Satya Veer Singh was appointed as Share Clerk, *vide* appointment letter Ex. MW-1/1 on 28th August, 1976. He was promoted to the post of Public Relation Assistant on 11th November, 1976, *vide* order Ex. MW-1/2. His services were placed with the store officer during off season, *vide* order copy Ex. MW-1/3. His work and conduct was not found satisfactory and in the month of December, 1978 it was observed by the management that no useful purpose was served by the Public Relation Assistant Shri Satya Veer Singh. Accordingly the post of Public Relation Assistant was abolished and the services of Shri Satya Veer Singh were terminated with effect from 3rd January, 1979 in accordance with the terms and conditions said down in the appointment letter Ex. MW-1/1. In his cross-examination the witness has given out that no retrenchment compensation at the time of his termination was paid to the workman.

From the oral evidence as well as documentary evidence produced by the management, the management has completely failed to justify the termination of the workman as neither the management has acted in accordance with the terms and conditions laid down in Ex. MW-1/2 nor they complied with the provision of section 25 (F) of the Industrial Disputes Act which are mandatory and non compliance of which renders the order of termination void *ob initio*. The workman was promoted on probation for a period of one year, *vide* order Ex. MW-1/2. The period of probation expired on 11th November, 1977 and the termination was effected after more than year of the expiry of the probation period. The workman under these circumstances shall be deemed to be a confirmed regular employee. The termination of the workman which amounted to retrenchment is neither justified nor in order. The workman is entitled to reinstatement with continuity of service and with full back wages. The reference is answered and returned accordingly.

Dated 12th December, 1981.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

Endorsement No. 4324, dated 17th December, 1981.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.